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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	L TTONY BY	
09/965,099	00.00.00.00.00		ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,099	09/26/2001	Michael Neal Blackburn	P50438-1	5739
7	590 12/31/2002			
GLAXOSMI	THKLINE	•		
Corporate Intellectual Property - UW2220			EXAMINER	
P.O. Box 1539	, PA 19406-0939		DUFFY, PATE	RICIA ANN
			ART UNIT	PAPER NUMBER
			1645	10
			DATE MAILED: 12/31/2002	12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

09/965,099

BLACKBURN ET AL

Examiner

Patricia A. Duffy

Art Unit **1645**



.	The MAILING DATE of this communication appea	rs on the cover sheet with the correspondence address		
	for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.				
mailin	g date of this communication.	In no event, however, may a reply be timely filed after SIX (6) MONTHS from the		
- Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within period for reply is specified above, the maximum statutory period will app to reply within the set or extended period for reply will, by statute, cause ply received by the Office later than three months after the mailing date of patent term adjustment. See 37 CFR 1.704(b).	by and will expire SIX (6) MONTHS from the mailing date of this communication.		
Status				
1) 🗌	Responsive to communication(s) filed on			
2a) 🗌		ction is non-final.		
	and a decordance with the practice under EX p	e except for formal matters, prosecution as to the merits is parte Quayle, 1935 C.D. 11; 453 O.G. 213.		
	tion of Claims	, 33 330, 2,00		
4) 🗶	Claim(s) <u>1-20</u>	is/are pending in the application.		
4	a) Of the above, claim(s)	is/are withdrawn from consideration.		
5) 🗌	Claim(s)	is/are allowed.		
6) 🗌	Claim(s)	is/are rejected.		
7) 🗌	Claim(s)	is/are objected to.		
8) 💢	Claims <u>1-20</u>	are subject to restriction and/or election requirement.		
Applicat	tion Papers			
9) 🗌	The specification is objected to by the Examiner.			
10)	The drawing(s) filed on is/are	e a) \square accepted or b) \square objected to by the Examiner.		
	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See 37 CED 1 05/c)		
11)	The proposed drawing correction filed on	is: a) approved b) disapproved by the Examiner		
_	in approved, corrected drawings are required in reply	to this Office action.		
12) The oath or declaration is objected to by the Examiner.				
Priority t	under 35 U.S.C. §§ 119 and 120			
13) 🗆 .	Acknowledgement is made of a claim for foreign p	riority under 35 U.S.C. § 119(a)-(d) or (f).		
_	All b)☐ Some* c)☐ None of:	,		
_	Certified copies of the priority documents have			
	and applies of the priority documents have	re been received in Application No		
	application from the International Bure the attached detailed Office action for a list of the	ocuments have been received in this National Stage au (PCT Rule 17.2(a)).		
14) 🗌 🔏	Acknowledgement is made of a claim for domestic	priority under 25 H.O.C. S. 1104 h		
a) 🗌	The translation of the foreign language provisiona	l application has been asset to		
15) 🗌 🛚 🗸	Acknowledgement is made of a claim for domestic	Driority under 35 U.S.C. && 120 and/or 121		
Attachmen	t(s)	2.120 and/or 121.		
	e of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s).		
	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)		
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)				

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DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-13 and 17-20, drawn to methods of inhibiting thrombosis or reducing the dose of thrombolytic agent by administering a combination of an anti-coagulation factor monoclonal antibody and a thrombolytic agent, classified in class 424, subclass 158.1.
 - II. Claims 14-16, drawn to method of reducing the dose of thrombolytic agent by administering a combination of an undefined anti-coagulation factor agent and a thrombolytic agent, classified in class 514, subclass 2.
- 2. The inventions are distinct, each from the other because of the following reasons:

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Group I and Group II are related as methods, the methods of Group I require a anti-coagulation factor monoclonal antibody in combination with an anti-thrombolytic agent, the methods of Group II utilize reagents that do not require the use of any monoclonal antibody. Since the monoclonal antibody combination of Group I is not required to practice the invention of Group II, the methods are distinct as claimed since they utilize different reagents.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I

Species A -- anti-Factor IX/IXa monoclonal antibody

Species B -- anti-Factor X/Xa monoclonal antibody

Species C -- anti-Factor XI/XIa monoclonal antibody

Species D -- anti-Factor VIII/VIIIa monoclonal antibody

Species E -- anti-Factor V/Va monoclonal antibody

Species F -- anti-thrombin/prothrombin monoclonal antibody

The species can be shown to be distinct because they are physically and functionally distinct chemical entities which bind structurally distinct chemical compounds and which are capable of separate manufacture and use.

6. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 3, 7-11, are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 9. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy, Ph.D. whose telephone number is (703) 305-7555. The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached at (703) 308-3909.

Patricia A. Duffy, Ph.D. December 19, 2002

> Patricia A. Duffy, Ph.D. **Primary Examiner**

Group 1600